

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SAFAA IBRAHIM
Plaintiff,

v.

TOLLI BOSWORTH
Defendant.

§
§
§
§
§
§
§

CAUSE NO. 5:19-cv-00304

DEFENDANT’S NOTICE OF REMOVAL

Defendant Tolli Bosworth hereby removes this lawsuit which is currently pending in the District Court for the 438th Judicial District of Bexar County, Texas, Cause No. 2019-CI03839, to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1441 and 1446, on the grounds of diversity of citizenship, and would respectfully show the Court as follows:

BACKGROUND

1. On March 9, 2017, Plaintiff filed her Original Petition styled *Safaa Ibrehim v. Tolli Bosworth*, in which Plaintiff alleges injuries and damages proximately caused by negligent conduct of the Defendant. *See Exhibit A*. Plaintiff affirmatively pled for damages in excess of \$200,000 but less than \$1,000,000. *Id.*, at ¶ VIII.

2. Plaintiff served Defendant with Plaintiff’s Original Petition and process on March 28, 2019, by Citation. *See Exhibit B*.

3. Plaintiff has demanded a jury trial. *Id.*, at ¶ XI.

4. Defendant has not answered the suit in state court.

5. The State Court's Record Search including Case History for this matter is attached herein.
See Exhibit C.

GROUND FOR REMOVAL

6. This Court has original jurisdiction of this suit based on 28 U.S.C. § 1332(a) because this suit involves a controversy between citizens of different states. Further, the amount in controversy, exclusive of interest and costs exceeds \$75,000.00.

A. Parties are Diverse

7. Plaintiff is a natural person who affirmatively alleges that she is a Texas resident.
See Plaintiff's Original Petition, ¶ II.

8. Defendant Tolli Bosworth is a natural person who is a California resident.

B. Amount in Controversy

9. The party seeking federal jurisdiction must prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00. *Grant v. Chevron Phillips Chem. Co. L.P.*, 309 F.3d 864, 868 (5th Cir. 2002). The removing party may satisfy its burden by either (1) demonstrating that it is "facially apparent" from the petition that the claim likely exceeds \$75,000.00, or (2) "by setting forth the facts in controversy—preferably in the removal petition, but sometimes by affidavit—that support a finding of the requisite amount." *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

10. Here, it is facially apparent from Plaintiff's petition that the claim exceeds \$75,000.00. Specifically, Plaintiff alleges she seeks monetary relief over \$200,000 but not over \$1,000,000. *Id.*, at ¶ VIII.

11. Based on the foregoing, the amount in controversy exceeds \$75,000.00.

REMOVAL IS PROCEDURALLY PROPER

12. This notice of removal is timely filed within thirty (30) after service of process upon Defendant. *See* 28 U.S.C. §1441(b)(1).

13. Venue is proper in this Court under 28 U.S.C. §1441(a) because this District and Division of this Court embraces Bexar County, Texas, the place where the State Court suit was filed.

14. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, and orders served upon Defendant in the state court action are attached herein as Exhibit A and Exhibit B.

15. Pursuant to 28 U.S.C. §1446(d), Defendant will promptly provide a true and correct copy of this Notice of Removal to Plaintiff and to the District Clerk of Bexar County.

PRAYER FOR RELIEF

16. Defendant Tolli Bosworth prays that the Court accept jurisdiction over the state court action for the reasons set forth above, and grant Defendant any such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

VALDEZ & TREVIÑO,
ATTORNEYS AT LAW, P.C.
Callaghan Tower
8023 Vantage Drive, Suite 700
San Antonio, Texas 78230
Phone: 210-598-8686
Fax: 210-598-8797

/s/ Robert E. Valdez
Robert E. Valdez
State Bar No. 20428100
revaldez@valdeztrevino.com

Elyse I. Gonzalez
State Bar No. 24109936
egonzalez@valdeztrevino.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing instrument was served on the following counsel this 25th day of March 2019, pursuant to Rule 5 of the Federal Rules of Civil Procedure, via email and via e-service in the state court proceeding:

Chris Mazzola
Kettermann Rowland & Westlund
16500 San Pedro, Suite 302
San Antonio, Texas 78232
Counsel for Plaintiff

/s/ Robert E. Valdez
Robert E. Valdez